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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 PEDRO NAVARRO,

10 Petitioner,

Case No. C18-1479-JCC-MAT

11 v.

12 JEFFREY UTTECHT,

Respondent.

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

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14 This is a federal habeas action filed pursuant to 28 U.S.C. § 2254. This matter comes  
15 before the Court at the present time on petitioner's motion for appointment of counsel. The  
16 Court, having reviewed petitioner's motion, and the balance of the record, hereby finds and  
17 ORDERS as follows:

18 (1) Petitioner's motion for appointment of counsel (Dkt. 7) is DENIED. There is no  
19 right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary  
20 hearing is required. *See Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v.*  
21 *Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and, Rule 8(c) of the Rules Governing Section  
22 2254 Cases in the United States District Courts. However, the Court may exercise its discretion  
23 to appoint counsel for a financially eligible individual where the "interests of justice so require."

ORDER DENYING MOTION FOR  
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1 18 U.S.C. § 3006A.

2 The record is not yet sufficiently developed for the Court to determine whether an  
3 evidentiary hearing will be required, and petitioner has not demonstrated that the interests of  
4 justice are best served by appointment of counsel at this time. Counsel will be appointed, as  
5 required, should the Court later determine that an evidentiary hearing is necessary.

6 (2) The Clerk shall direct copies of this Order to petitioner, to counsel for respondent,  
7 and to the Honorable John C. Coughenour.

8 DATED this 26th day of November, 2018.

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11 Mary Alice Theiler  
United States Magistrate Judge  
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